

shaped member so as to close said opening, said overlay being able to be removed by the consumer when said consumer desires to serve said condiment.

- 5 6. The apparatus of claim 5 wherein said cup shaped member has a flat rim in connection with said opening, said rim circumnavigating said opening, said overlay in connection with said flat rim.
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10 **Remarks:**

None of the prior art cited for either 102 or 103 purposes teaches or suggests the use of a sealed soufflé' type cup that is used to hold the dip in connection with the rest of
15 the retail packaging that holds the chip products. Such a cup for holding dip is functional as well as aesthetically pleasing in a retail package of this nature.

Furthermore none of the prior art cited in the rejection
20 shows a diagram of how such an invention would be constructed were such prior art to in fact teach the use of a rigid souffle' type cup in connection with the packaging. As such these references fail to adequately teach one how to make and use the applicant's claimed invention even assuming arguendo
25 that they teach the use of a rigid cup to hold salsa or dip.

It is well known that chips and salsa are a messy food that tend to spatter salsa and crumbs all over the place during the eating thereof. Such a situation requires that one needs
30 to have at least a plate for the chips and preferably one for the salsa in order to minimize such messiness. Using squeeze or burst packages as suggested in the prior art does not solve this situation entirely as these packages require that the consumer dispense the salsa under pressure onto the chip
35 and also do not allow for the easy reclosability of a rigid cup.

Furthermore none of the prior art teaches or suggests the idea of combining both a rigid outer container for the chip portion of the package and second, separate rigid container for the dip portion of the package. The use of two separate
5 rigid containers allows for the products to be served directly out of the packaging without having resort to getting plates and/or bowls out of the cabinet.

Burst packages and similar flexible packages for condiments
10 shown in the prior art do not allow the consumer to dip his chips into the package or container in order to get the dip/salsa, etc. Using these prior art devices, does allow the condiment to be stored along with the retail container which is certainly convenient but the convenience does not go far
15 enough. The applicant use of a rigid soufflé' cup in the retail packaging provide a greater convenience to consumers in that the salsa and the like can be served in a handy to use bowl that allows on to dip the chips into.

20 The use of a separate rigid container for the dip allows then for the dip to be applied to the chip in the amount that each consumer desires and in a manner that decreases wastage and mess when a squeeze bag is used for the dip. I.e it is cleaner and easier to use a rigid cup to hold the salsa in
25 for dipping rather than simply squeezing the dip onto the chip.

Using the cup for the condiment in connection with a rigid larger container means that the functions of plate and bowl
30 are attended to by the retail packaging. Thus, the applicant's retail packaging dispenses with the need for the consumer to provide his own bowl and plate in order to serve the chips/dip while providing all the advantages of having a bowl/plate.

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Again the use of packaging with a built in bowl and plate allows for the serving of chips and dips in plates and bowl that are disposable after use. Thus the applicant's retail packaging allows for all the advantages of traditional bowls and plates in the serving of chips/dip without having the attendant difficulties of washing off these plates and bowls.

There is no teaching or suggestion in any of the prior art of using the product packaging itself to satisfy the functions of both bowl and plate in the serving of chips and dip. Again the use of such packaging provide utility in the form of less messiness over the prior art squeeze package that hold the dip and also provides a convenient way to clean up in as much as the bowl and plates of the retail packaging are throw away.

In addition to the functional advantages of seving the dip/salsa the use of a rigid cup ala the souffle' cup described by the applicant also allows for the dip to be easily resealed after use so that the consumer can save the dip in the refrigerator for use at a later time. Because the cup has a flat lip or rim circumnavigating the entrance or opening of the cup, a piece of wax paper or cellophane wrap may be placed upon this rim and thereby easily sealed by the consumer for use later.

In fact, the orginal plastic packaging that covered the cup in the retail stage may be used for this purpose. The consumer merely has to return the plastic over that he lifted from the salsa cup back to its original position overlaying the rim. Cellophane etc. may be added on top of the plastic cover to make this closure air tight.

Using a burst package or a flexible package for the application of dip means that the consumer has to squeeze

such a bag until the desired amount of dip has been applied. Such a process is inherently risky in that one can never be sure how much pressure to apply to the bag with the result that salsa, dip etc. frequently gets splattered under the pressures that are applied.

Use of an upright standing cup for dipping chips into then avoids the need for pressure on the package in order to apply dip to each chip. Dipping a chip into a container of dip is less messy than squeezing such dip onto a chip. It is not necessary to quantify the amount of this saving for the average consumer for purposes of utility under the patent.

It is enough that such a claim on its face is certainly believable. And in this case it is certainly true that dipping chips into a container of dip is relatively certain to have some effect on the mess associated with using burst packaging or squeeze packaging in order to dispense the condiment.

Whereas the prior art provides for non rigid containers like burst packaging for the salsa, such packaging does not insure that the salsa or other type of dip can be used right out of the container without messiness. The applicant's use of a separate rigid cup for the salsa ensures that both chips and salsa can be maintained in separate ready to serve trays that allow the consumers to dip the chip into the salsa cup (soufflé' cup) and not have to use a burst package or similar flexible package in order to dispense

None of the prior art suggests that a ready to serve container for the salsa, i.e. a rigid cup can be packaged along with the chips. The use of such a rigid sealed cup in the retail packaging allows the salsa to be served right out of the retail container without having to use cups or bowls in order to serve the salsa. Providing a rigid cup in the

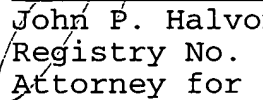
retail packaging that serves as a bowl for the salsa thus provides a convenience to consumers that is not shown or suggested by the use of a burst package or similar flexible package.

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The distinguishing elements are recited in the amended claims. It is believed that application is now in condition and we respectfully request that letters patent be granted.

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Respectfully submitted,


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